

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated December 28, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-9 and 11-19 are pending in the Application. Claims 15 and 18 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In the Office Action, claims 1, 3, 4, 6, 9, 15 and 18 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2005/0126007 to Aviza ("Aviza"). Claims 5, 7, 8, 11-14, 16, 17 and 19 are rejected under 35 U.S.C. §103(a) over Aviza. The rejection of claims 1, 3-9 and 11-19 is respectfully traversed. It is respectfully submitted that claims 1, 3-9 and 11-19 are allowable over Aviza for at least the following reasons.

The Office Action references Figures 9, and 9A-9C illustrating the adjustment mechanism 180 of Aviza as teaching "the first and second mutually opposing inclined surfaces" of claim 1. As discussed in the reply to the previous Office Action, Aviza shows that the "manual adjustment mechanism 180 includes a post 182 that is fixed relative to a thumb wheel 184." A rotation of the thumb wheel 184 over or with a partially threaded portion of the post 182 moves the exfoliation member 24 up or down. (See, Aviza, paragraph [0084].)

It is respectfully submitted that the razor apparatus of claim 1 is not anticipated or

made obvious by the teachings of Aviza. For example, Aviza does not teach, disclose or suggest, a razor apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "the adjustable guiding member includes first, second, third and fourth inclined surfaces, the first and second inclined surfaces being joined and separated by a fifth surface that for a portion is substantially parallel to the one plane, the third and fourth inclined surfaces being joined and separated by a sixth surface that for a portion is substantially parallel to the one plane, the first and third surfaces are a first pair of mutually opposing inclined surfaces, the second and fourth surfaces are a second pair of mutually opposing inclined surfaces, and wherein a lateral displacement of the first and second inclined surfaces in a direction parallel to said plane moves the third and forth inclined surfaces in the direction perpendicular to said plane" as recited in claim 1, and as similarly recited in claim 9 and 13.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 9 and 13 are patentable over Aviza and notice to this effect is earnestly solicited. Claims 2-8, 11-12 and 14, 16, 17 and 19 respectively depend from one of claims 1 and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example while the Office Action admits with regards to claims 5, 11 and 12 that Aviza fails to teach, disclose or suggest "the adjustable guiding member being adjustable in the claimed manner including above the plane", yet the Office Action maintains that "[h]owever, it is old and well known in the art to provide such an adjustment range of such

an adjustable member for various well known benefits including obtaining desired shaving characteristics."

Similarly, the Office Action admits with regards to claims 7, 8, 16 and 19 that Aviza fails to teach, disclose or suggest the "spring configuration" of the claims, yet again maintains that "such spring configurations are old and well known in the art and are particularly useful on open inclined surfaces."

Still further, the Office Action admits with regards to claims 13, 14 and 17 that Aviza fails to teach, disclose or suggest the "the adjustable guiding member is positioned to contact a portion of skin after the one or more blades", yet once again maintains that "it is old and well known in the art to provide such lubricating (such as component 24 of Aviza) behind of the blade(s) for various well known benefits including obtaining desired shaving characteristics" or in the alternative maintains that "if it is argued that Aviza lacks an explicit disclosure that the other guiding member is a skin stretching member, it is old and well known in the art to provide such skin stretching members in front of the blade(s) for various well known benefits including obtaining desired shaving characteristics."

As pointed out in the Amendment submitted December 9, 2009, the Office Actions maintained position on what is alleged to be "well known" deprives the Applicants an opportunity to examine specific references and respond accordingly.

The Examiner is respectfully requested to review the position forwarded in the Amendment submitted December 9, 2009 regarding these rejections including the MPEP and case law which clearly supports the position that one or more references should be

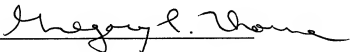
provided in support of these rejections to provide the Applicants an opportunity to examine these references and respond accordingly, or in the alternative, that these rejections should be withdrawn.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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